

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

GREENKEEPERS OF DELAWARE, LLC : CIVIL ACTION
and GREENKEEPERS, INC., :

Plaintiffs, : NO. 07-2419

v. :

SOFTSPIKES, LLC, and PRIDE
MANUFACTURING, LLC, :

:

Defendants. :

GREENKEEPERS, INC. and : CIVIL ACTION
GREENKEEPERS OF DELAWARE, LLC, :

:

Plaintiffs, : NO. 09-2454

v. :

TAYLOR MADE GOLF COMPANY, INC.,;
CALLAWAY GOLF COMPANY, and
ECCO USA, INC., :

:

Defendants. :

ORDER

AND NOW, this 5th day of February 2010, upon due consideration of the parties' claim construction briefs (Softspikes, Docket Nos. 57, 61; Taylor Made, Docket Nos. 54-46), and the responses thereto, for the reasons stated in the foregoing Memorandum, it is hereby ORDERED that for United States Reissued Patent Number RE40,047 (filed Mar. 11, 2004):

1. "Outwardly angled traction surface," "outer traction surface having an outward angulation," and "outer traction surface extending from said main body in a direction away from and at an angle to said axis AL" are construed as "a surface facing away from the axis A, having an outward angle relative to the axis AL that is predetermined, such that it does not change significantly in use";
2. "Traction tooth," "traction teeth," and "teeth" are construed as "protrusions that

penetrate into the turf below”;

3. “Low profile traction teeth” and “teeth being in low profile” are construed as “traction teeth that are shorter than conventional spikes as of 1996”;
4. “Lateral stability and traction through the plane of a golf swing” is construed as “resisting slipping to the side and providing adhesive friction as a golfer swings a golf club from the back swing through hitting the ball and the follow-through”;
5. “To enhance lateral stability and traction,” and “enhanced traction” are construed as “for the outward angulation of the tooth traction surface to provide more lateral stability and traction than prior art teeth that are not outwardly angled”;
6. “Axis ALT” is construed as “a straight line passing through a traction tooth and with respect to which the traction tooth is generally symmetrical”; and
7. “Shoe mounting member,” “shoe attaching means,” “mounting member,” and “shoe attaching member” are construed as “a distinct part of the structure of the golf cleat that fixes the golf cleat to a shoe.”

/s/ Michael M Baylson

Michael M. Baylson, U.S.D.J.